



## Office of Research

Bryan J. Pesta, Ph.D.  
Professor, Monte Ahuja College of Business  
Cleveland State University  
2121 Euclid Avenue, BU 327  
Cleveland, OH. 44115



Dr. Pesta,

On May 27, 2021, Cleveland State University received a notification from the National Institutes of Health's Public Health Service informing us that NIH has determined that you violated the Data Use Certification agreement for access to the database of Genotypes and Phenotypes (dbGaP) that you and CSU signed regarding dbGaP Projects #18007, 19090, and 19747. A copy of the NIH notification is attached.

Specifically, NIH has determined that these violations include:

1. Violation of the DUC agreement for project #19090 by using the data to examine "intellectual ability" when your description of the research suggested that you would examine mental health outcomes.
2. Violation of non-transferability terms for projects #19090 and 19747 by uploading controlled data or derivatives of controlled data in the form of "coded" Single Nucleotide Polymorphisms (SNPs) to an unapproved online forensic DNA phenotyping service.
3. Violation of the DUC clause regarding research use reporting by not reporting the publication of Lasker J, Psych Aug. 2019, 1(1), 431-459; <https://doi.org/10.3390/psych1010034> at the time of project renewal.

NIH has determined that these violations constitute a serious violation of the DUC agreement and that the publications and pre-prints raise the potential for harm to the research participants, their families, and groups of which they may be members. NIH has revoked your access to data from dbGaP immediately and ruled that you are ineligible to submit any further requests for data or to be an authorized user of dbGaP data sets until May 27, 2024.

Given the seriousness of your violations of the DUC agreement, the Provost has directed the following disciplinary actions and sanctions pursuant to article 8.1B(1) of the CSU-AAUP Collective Bargaining Agreement:

- This letter is issued as a formal letter of reprimand. A copy of this letter will be placed in your personnel file maintained by the Office of the Provost.
- You will not be eligible for faculty merit raises for the next three academic years, starting with the 2021 – 2022 academic year, should there be provisions for merit raises in the next CSU-AAUP Collective Bargaining Agreement.

**OFFICE OF RESEARCH**  
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We emphasize that CSU does not tolerate dishonesty in scholarship and research. Any further violations of data access agreement or behaviors that compromise research integrity will result in additional disciplinary actions in accordance with the CSU-AAUP Collective Bargaining Agreement, up to and include dismissal.

CSU is committed to academic freedom and responsible conduct of research. In accordance with NIH's guidance and to reduce the likelihood of future issues related to data management and privacy, we require that you comply with the following:

1. Immediately close out all open projects (#19747 and 21243) in dbGAP and immediately destroy all copies, versions, and data derivatives of the datasets (including SNPs, even if imputed) in a manner consistent with the Termination and Destruction clause of the DUCs. This includes any versions of the data accessed or stored by Mr. John G.R. Fuerst, whom you indicated was your research assistant and an authorized user, or any other person or entity including the online forensic DNA phenotyping service. **When you have completed the destruction of all data, send us a written, signed letter confirming the date that all data and derivatives were destroyed.**
2. Any future research study involving human subjects data that you undertake in your capacity as a faculty member at Cleveland State is to be submitted to the CSU Institutional Review Board (IRB) for review prior to commencement of said research.
3. Our records indicate that you last completed the CITI Training Course Responsible Conduct of Research (RCR) in 2006 and that training certification expired in 2008. You are required to complete refresher RCR training prior to the next research study you undertake in your capacity as a faculty member at Cleveland State, and to maintain currency of that training every subsequent two years thereafter.

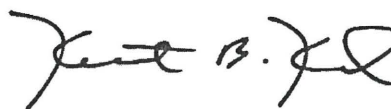
If you fail to complete these steps, Cleveland State University will not approve your future research studies and you may be subject to further sanctions up to and include dismissal for violating Article 8.1B(1) of the CSU-AAUP 2017-2020/21 contract.

If you disagree with NIH's determination, we encourage you to contact NIH directly to appeal.

Regards,



C. Forrest Faison III, M.D., Sc.D.(hon), FAAP  
Senior Vice President, Research and Innovation  
Cleveland State University



Kenneth B. Kahn, Ph.D.  
Dean and Professor  
Monte Ahuja College of Business  
Cleveland State University